

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-4152/2</b>	<b>Introduction Number</b> <b>AB-0753</b>	
<b>Description</b> Providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.		
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate                      <input type="checkbox"/> Increase Existing Appropriations                      <input type="checkbox"/> Decrease Existing Appropriations                      <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget                      <input type="checkbox"/> Yes                      <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs                 </div> </div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input checked="" type="checkbox"/> Indeterminate                      1. <input type="checkbox"/> Increase Costs                          <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      2. <input type="checkbox"/> Decrease Costs                          <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 33%;">                     3. <input type="checkbox"/> Increase Revenue                          <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      4. <input type="checkbox"/> Decrease Revenue                          <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <input type="checkbox"/> Towns    <input type="checkbox"/> Village    <input type="checkbox"/> Cities  <input type="checkbox"/> Counties    <input type="checkbox"/> Others  <input type="checkbox"/> School Districts    <input type="checkbox"/> WTCS Districts                 </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR    <input type="checkbox"/> FED    <input type="checkbox"/> PRO    <input type="checkbox"/> PRS    <input type="checkbox"/> SEG    <input type="checkbox"/> SEGS                         </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>		
<b>Agency/Prepared By</b> DA/ Phil Werner (608) 267-2700	<b>Authorized Signature</b> Harald Jordahl (608) 261-7520	<b>Date</b> 2/16/2010

## Fiscal Estimate Narratives

DA 2/16/2010

LRB Number	<b>09-4152/2</b>	Introduction Number	<b>AB-0753</b>	Estimate Type	<b>Original</b>
<b>Description</b> Providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.					

### Assumptions Used in Arriving at Fiscal Estimate

Prosecutors have difficulty estimating a fiscal effect because they don't know how widespread this problem is and how many criminal prosecutions might result. In addition, the time required to prosecute such cases would hinge on what false information is provided by defendants and whether or not it is easily proven as false.

### Long-Range Fiscal Implications

It is difficult to estimate a long-range fiscal impact on DA offices should this bill be enacted. Please see the discussion above.

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-4152/2</b>	<b>Introduction Number</b> <b>AB-0753</b>
<b>Description</b> Providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.	
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate  <div style="display: flex;"> <div style="width: 50%;"> <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                         </div> <div style="width: 50%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                         </div> </div> </div> <div style="width: 33%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Yes                             <input checked="" type="checkbox"/> No                         </div> <input type="checkbox"/> Decrease Costs                     </div> </div>	
<b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input checked="" type="checkbox"/> Indeterminate  <div style="display: flex;"> <div style="width: 50%;">                     1. <input checked="" type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory                      2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> <div style="width: 50%;">                     3. <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                      4. <input type="checkbox"/> Decrease Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                 </div> </div> </div> <div style="width: 33%;">                     5. Types of Local Government Units Affected  <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns  <input checked="" type="checkbox"/> Counties  <input type="checkbox"/> School Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Cities                         </div> </div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                     </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>	
<b>Agency/Prepared By</b> DOC/ Sue Loniello (608) 240-5524	<b>Authorized Signature</b> Roland Couey (608) 240-5405
<b>Date</b> 2/23/2010	

## Fiscal Estimate Narratives

DOC 2/23/2010

LRB Number	09-4152/2	Introduction Number	AB-0753	Estimate Type	Original
<b>Description</b> Providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.					

### Assumptions Used in Arriving at Fiscal Estimate

This bill creates new criminal penalties relating to knowingly receiving a stolen firearm and providing false information to a firearms dealer for the purchase of a handgun with the intent of transferring the handgun to a person who cannot legally own a handgun. Both criminal violations are Class H felonies.

In FY07 two offenders were placed on probation supervision for violations related to the purchase or transfer of a handgun. No offenders were placed on supervision in FY08 for this type of offense. The Department is unable to determine if any offenders were placed on probation or sentenced to prison for receiving a stolen firearm.

The Department cannot predict the number of offenders who will be convicted of these new offenses or what the sentencing practices of the courts may be; however, if offenders who would have previously been placed on probation are now sentenced to prison, the Department will see increased costs.

In FY09, the annual cost for an inmate in a DOC institution was approximately \$31,800. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates was approximately \$4,900. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person. The annual cost for community supervision is \$2,600.

A local impact will occur if offenders who previously received jail terms are sentenced to prison or if jail terms increase as the result of this legislation. A local fiscal impact cannot be estimated.

### Long-Range Fiscal Implications

## Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

<b>LRB Number</b> <b>09-4152/2</b>	<b>Introduction Number</b> <b>AB-0753</b>
<b>Description</b> Providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.	
<b>Fiscal Effect</b>  <b>State:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect  <input checked="" type="checkbox"/> Indeterminate  <input type="checkbox"/> Increase Existing Appropriations  <input type="checkbox"/> Decrease Existing Appropriations  <input type="checkbox"/> Create New Appropriations                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues  <input type="checkbox"/> Decrease Existing Revenues                 </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget  <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Yes                         <input type="checkbox"/> No                     </div> <input type="checkbox"/> Decrease Costs                 </div> </div> <b>Local:</b> <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs  <input checked="" type="checkbox"/> Indeterminate  <div style="display: flex;"> <div style="width: 50%;">                         1. <input type="checkbox"/> Increase Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> <div style="width: 50%;">                         3. <input type="checkbox"/> Increase Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> </div> <div style="display: flex;"> <div style="width: 50%;">                         2. <input type="checkbox"/> Decrease Costs  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> <div style="width: 50%;">                         4. <input type="checkbox"/> Decrease Revenue  <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory                     </div> </div> </div> <div style="width: 33%;"> <b>5. Types of Local Government Units Affected</b>  <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns  <input type="checkbox"/> Counties  <input type="checkbox"/> School Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Village  <input type="checkbox"/> Others  <input type="checkbox"/> WTCS Districts                         </div> <div style="width: 33%;"> <input type="checkbox"/> Cities                     </div> </div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> <b>Fund Sources Affected</b>  <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEGS                 </div> <div> <b>Affected Ch. 20 Appropriations</b> </div> </div>	
<b>Agency/Prepared By</b> DOJ/ Mark Rinehart (608) 264-9463	<b>Authorized Signature</b> Mark Rinehart (608) 264-9463
<b>Date</b> 2/17/2010	

## Fiscal Estimate Narratives

DOJ 2/17/2010

LRB Number	09-4152/2	Introduction Number	AB-0753	Estimate Type	Original
<b>Description</b> Providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.					

### Assumptions Used in Arriving at Fiscal Estimate

Under Chapter 175.35, whoever intentionally provides false information to a firearms dealer when purchasing a firearm shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

Under 2009 Assembly Bill 753, whoever provides false information regarding whether he or she is purchasing a firearm with the purpose or intent of transferring it to a person who is presently prohibited from possessing a firearm under state or federal law is guilty of a Class H felony.

Under current law, whoever intentionally receives or conceals stolen property is guilty of: 1) a Class A misdemeanor if the value of the property does not exceed \$2,500; 2) a Class I felony if the value of the property is between \$2,501-\$5,000; and 3) a Class H felony if the value of the property is between \$5,001-\$10,000.

Also under current law, whoever intentionally receives stolen property from a child or conceals stolen property received from a child is guilty of: 1) a Class A misdemeanor if the value of the property does not exceed \$500; 2) a Class I felony if the value of the property is between \$501-\$2,500; and 3) a Class H felony if the value of the property is between \$2,501-\$5,000.

Under 2009 Assembly Bill 753, whoever knowingly or intentionally receives or conceals a stolen firearm is guilty of a Class H felony, regardless of the value of the firearm. In addition, whoever intentionally receives a stolen firearm from a child or conceals a stolen firearm received from a child is guilty of a Class H felony, regardless of the value of the firearm.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since AB 753 broadens the types of activities that can be prosecuted as felonies, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department anticipates that any increased caseload would be relatively small and could most likely be absorbed with existing resources. However, if the increased caseload is significant, DOJ will need additional resources.

### Long-Range Fiscal Implications

## Fiscal Estimate - 2009 Session

☒ Original      ☐ Updated      ☐ Corrected      ☐ Supplemental

<b>LRB Number</b> <b>09-4152/2</b>		<b>Introduction Number</b> <b>AB-0753</b>	
<b>Description</b> Providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.			
<b>Fiscal Effect</b>			
<b>State:</b>			
<input type="checkbox"/> No State Fiscal Effect			
<input checked="" type="checkbox"/> Indeterminate			
<input type="checkbox"/> Increase Existing Appropriations		<input type="checkbox"/> Increase Existing Revenues	
<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
<b>Local:</b>			
<input type="checkbox"/> No Local Government Costs			
<input checked="" type="checkbox"/> Indeterminate			
1. <input checked="" type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
<input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village	
<input checked="" type="checkbox"/> Counties		<input type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
<b>Fund Sources Affected</b>		<b>Affected Ch. 20 Appropriations</b>	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
<b>Agency/Prepared By</b>		<b>Authorized Signature</b>	<b>Date</b>
SPD/ Megan Christiansen (608) 267-0311		Krista Ginger (608) 264-8572	2/24/2010

## Fiscal Estimate Narratives

SPD 2/24/2010

LRB Number	09-4152/2	Introduction Number	AB-0753	Estimate Type	Original
<b>Description</b> Providing information to a firearms dealer when purchasing a handgun, authorizing the Department of Justice to prosecute violations of certain laws regulating firearms, receiving a stolen firearm, and providing penalties.					

### Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill increases the penalties for the criminal offense of providing certain false information to a gun dealer. The offense would be a felony in all cases, amending the current law that classifies the conduct in question as a misdemeanor. The SPD's average cost to provide representation in a misdemeanor case is \$212.84, calculated on the basis of the SPD's average cost per case in fiscal year 2009. The SPD's average cost per felony was \$579.62. Therefore, the SPD would incur additional costs in cases that would be reclassified as felonies under this bill. The SPD has not appointed attorneys in any cases alleging violations of the statute in question during the past two fiscal years. Therefore, the SPD does not anticipate a major impact if this provision is enacted, unless there is a major change in the number of prosecutions.

This bill also increases the penalties for the criminal offense of receiving a stolen firearm, under certain circumstances. The offense would be a felony in all cases, amending the current law that relies on the firearm's alleged value to differentiate between misdemeanors and felonies. The SPD would incur an additional cost of \$366.78 in each case that would be reclassified as a felony under this bill. In fiscal year 2009, the SPD appointed attorneys in 257 misdemeanor cases of receiving stolen property. However, the SPD does not have data regarding how many of these cases involved the alleged receipt of stolen firearms. If ten percent of these cases became felonies as a result of this bill, the increased cost for SPD would be approximately \$500.

Because probation or prison could be ordered upon conviction for the proposed felony crime, this change would indirectly lead to additional cases in which the Department of Corrections (DOC) would seek to revoke probation or extended supervision. Probation is also an option for misdemeanor cases; however, a felony case may result in a longer term of probation. The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus, the bill would indirectly increase the number of cases in which the SPD appoints attorneys in revocation proceedings. The average cost during fiscal year 2009 for SPD representation by a private bar attorney in a revocation proceeding was \$382.18.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the counties would experience increased costs attributable to the higher classification of some criminal charges resulting from this bill. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing. However, because the SPD has not appointed in any cases under the statute in question during the last three fiscal years, the effect on the counties may also be insignificant.

### Long-Range Fiscal Implications